

founders had made their applications to the Bishop of the diocese, and had his license, the Bishop or his commissioners set up a cross, and set forth the church-yard, where the church was to be built, and then the founders might proceed in the building of the church; and when the church was finished the Bishop was to consecrate it; and then, and not before, the sacraments were to be administered in it.

But by the common law and custom of this realm, any person, who is a good christian, may build a church without license from the Bishop, so as it is not prejudicial to any ancient churches; though the law takes no notice of it as a church, until consecrated by the Bishop, which is the reason why a church is to be tried and certified by the Bishop. The writer then describes what he says were "the ancient ceremonies in consecrating the ground on which the church was intended to be built, and of the church itself after it was built," but adds, "the form of consecration was left to the Bishop, as it is at this day." The same author also says, "the church-yard is a common place of burial for all the parishioners."

In another work which I think may be referred to without impropriety on the present occasion, it is said,—"Cemeteries among the primitive christians were held in great veneration. It even appears from Eusebius and Tertullian that in the early ages they assembled for divine worship in the cemeteries."

Valerius seems to have confiscated the cemeteries and other places of divine worship, but they were restored again by Gallienus. The practice of consecrating cemeteries is of some antiquity, and the author then describes the forms observed in performing that ceremony. Burn, Vol. I. p. 258 says, "About the year 750, spaces of ground adjoining the churches were carefully enclosed and solemnly consecrated, and appropriated to the burial of those who had been entitled to attend divine service in those churches."

These authorities elucidated the maxim, *Cemeterium gaudet eodem privilegio quo ecclesia*. This maxim, in the most important matters, was given effect to by the statute law of England, as will be seen by reference to the 32 Hen. 8. c. 12, by which criminals were allowed to take refuge and sanctuary in the church-yard for the same time and with the same effect, in law, as if they took refuge in the church itself.

Blackstone, Vol. 4. p. 146, speaks of churches and church-yards as being consecrated. He says "All altars in a church or church-yard are esteemed very heinous offences, as being indignities to him to whose service these places are consecrated."

And to come as it were to the present day, we find that in the act of the Imperial Parliament, 10 and 11 Vic. c. 56, known as "The Cemeteries Clause Act," provision has been made, most carefully, for the consecration of the parts of public cemeteries set apart for the burial of the dead according to the rites of the Church of England.

The 23rd section of that statute is in these words—"The Bishop of the Diocese, in which the cemetery" (that is, any cemetery to be established under the act,) "is situated, may, on the application of the company, consecrate any portion of the cemetery set apart for the burial of the dead, according to the rites of the Established Church, if he be satisfied with the title of the company to such portion, and thinks fit to consecrate such portion, and the part which is so consecrated shall be used only for burials according to the rites of the Established Church."

* See also, the 56 Geo. III. c. 141, intitled "An Act for enabling Ecclesiastical Corporations and certain seculars to alienate lands for enlarging cemeteries."

The preamble is in these words, "Whereas cemeteries, church-yards and burying-grounds are in various places found to be too small, and the same cannot be conveniently enlarged without appropriating for consecration some parts of the lands belonging to corporations," &c. &c. and, by

These authorities satisfy me, that although, as stated in Mr. Wurtele's affidavit, the ceremony of consecration is not required by any of the canons of the church, yet that it is in accordance with the principles of the Church of England, and is generally observed by that church.

I therefore think that there is nothing unreasonable or oppressive on the part of the Bishop of Quebec, in requiring the clergy under his authority to observe this ceremony whenever the observance of it is possible.

There have been, and are cases, where owing to particular circumstances its observance is impossible, but to those cases the maxim, *impossibile nulla obligatio est*, is applicable.

Upon the whole I am of opinion, that a clergyman of the Church of England, in a parish in which there is a burial-ground set apart and consecrated by the authorities of his own church, cannot be compelled to bury the dead in a place that has not been so set apart and consecrated; and I therefore concur in the Judgment discharging the rule.

BISHOP'S COLLEGE, LENNOXVILLE.

Outline of course of Study for general Students.

FIRST YEAR.

Greek.—Xenophon's Anabasis; Euripides or Homer.
Latin.—Cicero's Orations or Offices; Virgil's Eclogues or Æneid; Horace, Odes.
Mathematics.—Algebra p. 1; Euclid B. IV. V. VI; Plane Trigonometry. (A.)
Divinity.—Part of the Gospels; Old Testament, the Pentateuch. (B.)
Hebrew, (if desired).—Frey's Grammar; Book of Genesis. (B.)
History.—Ancient; Grecian and part of Roman.
Composition.—English and Latin Prose.

SECOND YEAR.

Greek.—Herodotus, Euripides, and part of Sophocles.
Latin.—Virgil, Georgics, or later Books of the Æneid; Horace, Satires and Epistles.
Mathematics.—Algebra, p. 2; Differential Calculus; Analytical Geometry, (including Conic sections). (A.)
Divinity.—The Gospels continued; Old Testament, the Historical Books.
Hebrew, (if desired).—The Book of Psalms. (B.)
History.—Roman continued.
Rhetoric.—Part of Whateleys.
Composition.—English; Latin Prose and Verse.

THIRD YEAR.

Greek.—Thucydides; Sophocles.
Latin.—Livy; Juvenal.
Mathematics.—Differential and Integral Calculus; Mechanics p. 1; (Statics and Dynamics.) (A.)
Divinity.—Paley's Evidences; the History of the Old Testament continued.
Hebrew, (if desired).—The Book of Isaiah. (B.)
History.—Modern, European generally.
Logic.—Huysches.
Composition.—English; Latin and Greek Prose and Latin Verse.

FOURTH YEAR.

Greek.—Aristotle's Rhetoric; Æschylus.
Latin.—Tacitus, Cicero's Tusculan Questions or Letters.
Mathematics.—Euclid B. XI., Spherical Geometry and Trigonometry; Plane Astronomy; Mechanics p. 2; Optics and Optical instruments. (A.)
Divinity.—The Acts, Paley's Hora Paulina.
Hebrew, (if desired).—The Book of Ezekiel. (B.)
History.—England and her Colonies.
Moral Philosophy.—Abercrombie on the Intellectual Powers; Abercrombie on the Moral Feelings.
Composition.—English; Latin and Greek Prose and Verse.
Supplementary lectures by the Professor of Mathematics.
1st year.—The General Properties of Matter—Principles and Notation of Chemistry.
2nd year.—Physical Geography.
3rd year.—Theories of Heat, and Electricity.

the enacting part, certain corporations are empowered to use "for the purpose of consecration such land as may be necessary for enlarging any such cemetery, church-yard or burying-ground."